

# EXHIBIT O

AMERICAN CLERICAL SERVICE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

The C Fink Family Trust by its trustee Zalmen  
Landau,

Plaintiff,

vs.

American General Life Insurance Co.,

Defendant.

Index No.: 114460/10

Plaintiff designates New York  
County as the place of trial

The Basis of Venue is  
Defendant's Place of Business and the  
place where the events occurred.

SUMMONS

Plaintiff resides at: 626 Wythe Place,  
Apt. 4C, Brooklyn, NY 11211

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within twenty (20) days after the service of this summons, exclusive of the date of service (or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
November 2, 2010

SCHINDEL, FARMAN, LIPSIOUS,  
GARDNER & RABINOVICH LLP  
Attorneys for Plaintiff

By:

David BenHaim, Esq.  
14 Penn Plaza, Suite 500  
New York, New York 10122  
(212) 563-1710  
File No.: 4421.0001

NEW YORK  
COUNTY CLERK'S OFFICE

NOV 4 2010

NOT COMPARED  
WITH COPY FILE

Defendant's address:

American General Life Insurance Company  
2929 Allen Parkway  
Houston, TX 77019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

The C Fink Family Trust by its trustee Zalmen  
Landau,

Plaintiff,

vs.

American General Life Insurance Co.,

Defendant.

Index No.:

COMPLAINT FOR  
DECLARATORY JUDGMENT

Plaintiff, The C Fink Family Trust by its trustee Zalmen Landau ("Fink Trust"), by its attorneys, Schindel Farman, Lipsius, Gardner & Rabinovich LLP, for its complaint for declaratory relief, states:

ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTION

1. Fink Trust is a New York trust formed and governed under the rules of New York.

2. American General Life Ins. Co. ("AIG") is a Texas insurance corporation that regularly sells policies insuring the life of New York residents.

3. On or about May 22, 2008 defendant issued Life Insurance policy number U10061721L insuring the life of Chaim Fink (hereinafter the "Policy").

4. The Fink Trust is the owner of the Policy.

5. Defendant, by letter dated April 22, 2010, notified plaintiff that the Policy was entering the grace period and that if premium payments in the amount of \$100,166.66 were not made on or before June 22, 2010 then the Policy would lapse for failure to pay premiums.

Exhibit A.

6. On June 15, 2010 Fink Trust paid \$100,200 in premium payments Exhibit B.

7. Defendant, by letter dated July 14, 2010, notified plaintiff that the Policy was entering the grace period and that if premium payments in the amount of \$100,166.66 were not made on or before September 13, 2010 then the Policy would lapse for failure to pay premiums. Exhibit C.

8. On September 1, 2010, Fink trust paid \$100,500 in premium payments. Exhibit C.

9. Defendant, by letter dated July 15, 2010 declared the policy lapsed for non-payment of premium. Exhibit D.

AS FOR A FIRST CAUSE OF ACTION

10. The premium payments were made in accordance with the policy terms and the premium notices sent by Defendant.

11. Defendant failed to send notice of cancellation in accordance with the terms of the Policy.

12. Defendant failed to send notice of cancellation in accordance with the law.

13. Defendant is estopped from canceling the Policy.

14. Defendant has waived its right to cancel the Policy.

15. Under case law or applicable statute, defendant's attempted cancellation of the Policy is unlawful.

16. By reason of the foregoing, plaintiff is entitled to a declaration that the Policy is in full force and effect, and to a declaration requiring defendant to reinstate the Policy.

17. No claim has been made under the Life Insurance Policies, as the insured person, Chaim Fink is alive.

18. Plaintiff is entitled to a declaration that the denial of coverage is null and void.


WHEREFORE, Plaintiff demand judgment of this Court against defendant, declaring the Policy is in full force and effect, the Policy must be reinstated at the original premium rate;

the denial of coverage by defendant is null and void, and awarding plaintiff's costs of suit, attorneys' fees, and such other relief as the Court may deem proper and just.

Dated: New York, New York  
November 2, 2010

SCHINDEL, FARMAN, LIPSIUS,  
GARDNER & RABINOVICH LLP  
Attorney for Plaintiff

By:

  
David BenHaim  
14 Penn Plaza, Suite 500  
New York, New York 10122  
(212) 563-1710  
File No.: 4421.0001

American General  
Life Insurance Company

Member of American International Group, Inc.

PO BOX 4373 HOUSTON, TX 77210-4373

713/522-1111



AMERICAN  
GENERAL

C-44001,040,0,AUTOAGENT

April 22, 2010

GRACE PERIOD NOTICE

THE C FINK FAMILY TRUST DATED 02-13-08  
C/O ZALMEN LANDAN, TRUSTEE  
626 WYTHE PL APT 4C  
BROOKLYN NY 11211-6978

Policy Number: U100617211  
Insured: CHAIM FINK

Even though you may have been making regular premium payments on your policy, the current values are insufficient to cover the monthly charges due April 22, 2010. This policy is in its grace period and will terminate without value unless a payment of \$100,166.66 is received prior to June 22, 2010.

The minimum quarterly premium required is 103,600.00. If your billing amount is less than this amount, future billings will be adjusted upon receipt of your grace period payment. If your policy has a loan, please pay your loan interest due. Your policy may have gone into grace due to unpaid loan interest.

We appreciate the confidence you have shown in us, and we thank you for your business. If you have any questions or need additional assistance, please contact your servicing agent:

Israel O Biller  
1250 E Coast Dr  
Atlantic Beach FL 32233-5520

or our Customer Service Center at 1-800/231-3655 or 1-888/436-5256  
for Hearing Impaired/TDD.

B9700 / 000RL9855L

THE C FINK FAMILY TRUST

113  
1-102/210

06/15/2010 Date

Pay to the  
Order of American General Life Insurance Company \$ 100,200.00  
one hundred thousand two hundred dollars Dollars

HSBC

Brooklyn, NY 11219

For Chaim Fink #U100617211

⑆021001088⑆671757512⑈ 0113

PLEASE RETURN THIS PART April 22, 2010

American General  
Life Insurance Company  
P.O. Box 4373 Houston, TX 77210-4373

Policy No: U100617211  
Insured: Chaim Fink

GRACE PERIOD NOTICE

The C Fink Family Trust Dated 02-13  
C/o Zalmen Landan, Trustee  
626 Wythe Pl Apt 4c  
Brooklyn Ny 11211-6978

Pay This Amount: \$100,166.66  
Amount Enclosed: \$ 100,200.00

IF THE REQUIRED PAYMENT HAS ALREADY BEEN MAILED, PLEASE DISREGARD THIS NOTICE.

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## HSBC Bank USA, N.A. - Image Archive

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THE C FINK FAMILY TRUST

EXPRESS

113 2  
1-103/210

06/15/2010 Date

Pay to the  
Order of American General Life Insurance Company \$ 100,200.00  
one hundred thousand two hundred dollars Dollars ☒ ☐

HSBC

Brooklyn, NY 11219

For Chaim Fink #U100617211

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NEW YORK, NY 10005 06/18/2010

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FOR  
DEPOSIT CITIBANK, N.A.  
ONLY NEW CASTLE DE

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HSBC Bank USA, N.A. - Image Archive

American General  
Life Insurance Company

Member of American International Group, Inc.

PO BOX 4373 HOUSTON, TX 77210-4373

713/522-1111



AMERICAN  
GENERAL

C-44001;040;0;AUTOGENI

July 14, 2010

# GRACE PERIOD NOTICE

THE C FINK FAMILY TRUST DATED 02-13-08  
C/O ZALMEN LANDAN, TRUSTEE  
626 WYTHE PL APT 4C  
BROOKLYN NY 11211-6978

Policy Number: U10061721L  
Insured: CHAIM FINK

Even though you may have been making regular premium payments on your policy, the current values are insufficient to cover the monthly charges due July 14, 2010. This policy is in its grace period and will terminate without value unless a payment of \$100,166.66 is received prior to September 13, 2010.

The minimum quarterly premium required is 103,680.00. If your billing amount is less than this amount, future billings will be adjusted upon receipt of your grace period payment. If your policy has a loan, please pay your loan interest due. Your policy may have gone into grace due to unpaid loan interest.

We appreciate the confidence you have shown in us, and we thank you for your business. If you have any questions or need additional assistance, please contact your servicing agent:

Israel O. Biller  
1250 E Coast Dr  
Atlantic Beach FL 32233-5520

or our Customer Service Center at 1-800/231-3655 or 1-888/436-5256  
for Hearing Impaired/TDD.

89700 / 000BL9855L

PLEASE RETURN THIS PART July 14, 2010

American General

Life Insurance Company

P.O. Box 4373 Houston, TX 77210-4373

Policy No: U10061721L

Insured: Chaim Fink

# GRACE PERIOD NOTICE

The C Fink Family Trust Dated 02-13  
C/o Zalmen Landan, Trustee  
626 Wythe Pl Apt 4c  
Brooklyn Ny 11211-6978

Pay This Amount: \$100,166.66

Amount Enclosed: \$ \_\_\_\_\_

IF THE REQUIRED PAYMENT HAS ALREADY BEEN MAILED, PLEASE DISREGARD THIS NOTICE.

THE CRINK FAMILY TRUST		119
09/01/2010		1-100210
Pay to the Order of	American General	\$ 100,500.00
one hundred thousand five hundred dollars		Dollars
HSBC		
Brooklyn, NY 11219		
For policy # 0100617211		EXPRESS
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 BROOKLYN, NY 11218-4414



AMERICAN  
GENERAL

C-44002,040,0,AUTOGENI

American General Life Insurance Company  
Member of American International Group, Inc.  
P.O. Box 4373 Houston, Texas 77210-4373  
713/522-1111

July 15, 2010

THE C FINK FAMILY TRUST DATED 02-13-08  
C/O ZALMEN LANDAN, TRUSTEE  
626 WYTHE PL APT 4C  
BROOKLYN NY 11211-6978

Policy Number: U10061721L  
Policyowner: The C Fink Family Trust Dated 02-13-08  
Insured: Chaim Fink

This letter is to advise you of important developments regarding your American General Life policy.

The value of your policy was not sufficient to cover the minimum required monthly premium. Your grace period has also expired and your policy has now lapsed for non-payment of premium. If this was an oversight, you may apply to restore all of the earned benefits, features and privileges your policy provided. To request reinstatement requirements, place a check mark in the space below and return this letter to our office.

\_\_\_\_ Yes, I wish to reinstate my policy. Please send me the necessary reinstatement requirements.

American General Life has a continuing interest in helping you plan your financial security. If there are other ways in which we may serve you or other members of your family, please contact your servicing agent:

Israel O Biller  
1250 E Coast Dr  
Atlantic Beach FL 32233-5520

or our Customer Service Center at 1-800/231-3655 or 1-888/436-5256 for Hearing Impaired/TDD.

Sincerely,

Policy Administration

cc: Israel O Biller  
B9700 / 000BL9855L